

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4343

To encourage liberty inside the Socialist Republic of Vietnam.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 1994

Mr. DORNAN (for himself, Mr. GILMAN, Mr. PORTER, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. WYNN, Mr. LEVY, Mr. KING, Mr. WILSON, Mr. SOLOMON, Mr. COX, and Mrs. BENTLEY) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To encourage liberty inside the Socialist Republic of Vietnam.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. STATEMENT OF PRINCIPLES.**

4       (a) PURPOSE.—It is the purpose of this Act to create  
5       principles governing the conduct of commercial coopera-  
6       tion projects of United States nationals in the Socialist  
7       Republic of Vietnam.

8       (b) PRINCIPLES.—It is the sense of the Congress that  
9       any United States national conducting a commercial co-

1 operation project in the Socialist Republic of Vietnam  
2 should adhere to the following principles:

3           (1) Seek to ensure that political or religious  
4 views, sex, ethnic or national background, involve-  
5 ment in political activities or nonviolent demonstra-  
6 tions, or association with suspected or known dis-  
7 sidents will not prohibit hiring, lead to harassment,  
8 demotion, or dismissal, or in any way affect the sta-  
9 tus or terms of employment in the commercial co-  
10 operation project. The United States national should  
11 not discriminate in terms or conditions of employ-  
12 ment in the commercial cooperation project against  
13 former members of the armed forces of the Republic  
14 of Vietnam (South Vietnam), former government of-  
15 ficials of the Republic of Vietnam, former employees  
16 of the United States Government in the Republic of  
17 Vietnam, former employees of United States Govern-  
18 ment officials in the Republic of Vietnam, former  
19 employees of United States enterprises in the Re-  
20 public of Vietnam, and repatriated asylum-seekers  
21 (so-called “boat people”).

22           (2) Ensure that methods of production used in  
23 the commercial cooperation project do not pose an  
24 unnecessary physical danger to workers and neigh-  
25 boring populations and property and that the com-

1        commercial cooperation project does not unnecessarily  
2        risk harm to the surrounding environment.

3            (3) Strive to use business enterprises that are  
4        not controlled by the Socialist Republic of Vietnam  
5        or its authorized agents and departments as poten-  
6        tial partners in the commercial cooperation project.

7            (4) Prohibit any military presence on the prem-  
8        ises of the commercial cooperation project.

9            (5) Undertake to promote freedom of associa-  
10       tion and assembly among the employees of the Unit-  
11       ed States national, including the right of employees  
12       to form collective bargaining units. The United  
13       States national should protest any infringement by  
14       the Government of the Socialist Republic of Vietnam  
15       of these freedoms to the appropriate authorities of  
16       that government and to the International Labor  
17       Organization.

18           (6) Prohibit any compulsory political indoc-  
19       trination programs from taking place on the prem-  
20       ises of the operations of the commercial cooperation  
21       project.

22           (7) Promote freedom of expression, including  
23       the freedom to seek, receive, and impart information  
24       and ideas of all kinds, regardless of frontiers, either  
25       orally, in writing or in print, in the form of art, or

1 through any media. To this end, the United States  
2 national should raise with appropriate authorities of  
3 the Government of the Socialist Republic of Vietnam  
4 concerns about restrictions on importation of foreign  
5 publications.

6 (8) Undertake to promote a full accounting of  
7 all Americans missing in action from the Vietnam  
8 conflict.

9 (c) PROMOTION OF PRINCIPLES BY OTHER NA-  
10 TIONS.—The Secretary of State shall forward a copy of  
11 the principles described in subsection (b) to the member  
12 nations of the Organization for Economic Cooperation and  
13 Development and encourage them to promote principles  
14 similar to these principles.

15 **SEC. 2. REGISTRATION REQUIREMENT.**

16 (a) IN GENERAL.—Each United States national con-  
17 ducting a commercial cooperation project in the Socialist  
18 Republic of Vietnam shall register with the Secretary of  
19 State and indicate whether the United States national  
20 agrees to implement the principles described in section  
21 1(b). No fee shall be required for registration under this  
22 subsection.

23 (b) EFFECTIVE DATE.—The registration require-  
24 ment of subsection (a) shall take effect 6 months after  
25 the date of the enactment of this Act.

1 **SEC. 3. REPORTING REQUIREMENTS.**

2 (a) REPORT.—Each United States national conduct-  
3 ing a commercial cooperation project in the Socialist Re-  
4 public of Vietnam shall report to the Department of State  
5 describing the United States national's adherence to the  
6 principles described in section 1(b). Such national shall  
7 submit a completed reporting form furnished by the De-  
8 partment of State. The first report shall be submitted not  
9 later than 1 year after the date on which the national reg-  
10 isters under section 2 and not later than the end of each  
11 1-year period occurring thereafter.

12 (b) REVIEW OF REPORT.—The Secretary of State  
13 shall review each report submitted under subsection (a)  
14 and determine whether the United States national submit-  
15 ting the report is adhering to the principles described in  
16 section 1(b). The Secretary may request additional infor-  
17 mation from the United States national and other sources  
18 to verify the information submitted.

19 (c) ANNUAL REPORT.—The Secretary of State shall  
20 submit a report to the Congress and to the Secretariat  
21 of the Organization for Economic Cooperation and Devel-  
22 opment, describing the level of adherence to the principles  
23 described in section 1(b) by United States nationals sub-  
24 ject to the reporting requirement of subsection (a). This  
25 report shall be submitted not later than 2 years after the

1 date of the enactment of this Act and not later than the  
2 end of each 1-year period occurring thereafter.

3 **SEC. 4. EXPORT MARKETING SUPPORT.**

4 (a) SUPPORT.—Departments and agencies of the  
5 United States may only intercede with a foreign govern-  
6 ment or foreign national regarding export marketing activ-  
7 ity in the Socialist Republic of Vietnam on behalf of a  
8 United States national subject to the reporting require-  
9 ments of section 3(a) if that United States national ad-  
10 heres to the principles.

11 (b) TYPE OF CONTACT.—The term “intercede with  
12 a foreign government or foreign national” includes any  
13 contact by an officer or employee of the United States with  
14 officials of any foreign government or foreign national in-  
15 volving or contemplating any effort to assist in selling a  
16 good, service, or technology in the Socialist Republic of  
17 Vietnam. Such term does not include multilateral or bilat-  
18 eral government-to-government trade negotiations in-  
19 tended to resolve trade issues which may affect United  
20 States nationals who do not adhere to the principles.

21 (c) EFFECTIVE DATE.—Subsection (a) shall take  
22 effect 2 years after the date of enactment of this Act.

23 **SEC. 5. DEFINITIONS.**

24 For purposes of this Act—

1           (1) the terms “adhere to the principles”, “ad-  
2           hering to the principles” and “adherence to the prin-  
3           ciples” mean—

4                   (A) agreeing to implement the principles  
5                   described in section 1(b);

6                   (B) implementing those principles by tak-  
7                   ing good faith measures with respect to each  
8                   such principle; and

9                   (C) reporting accurately to the Department  
10                  of State on the measures taken to implement  
11                  those principles;

12          (2) the term “commercial cooperation project”  
13          refers to a for-profit activity the business operations  
14          of which employ more than 25 individuals or have  
15          assets greater than \$25,000; and

16          (3) the term “United States national” means—

17                   (A) a citizen or national of the United  
18                   States or a permanent resident of the United  
19                   States; and

20                   (B) a corporation, partnership, and other  
21                   business association organized under the laws  
22                   of the United States, any State or territory  
23                   thereof, the District of Columbia, the Common-  
24                   wealth of Puerto Rico, or the Commonwealth of  
25                   the Northern Mariana Islands.

